

ORDINANCE NO. 20080618-030

AN ORDINANCE AMENDING CHAPTER 2-1 OF THE CITY CODE RELATING TO CITY BOARDS AND COMMISSIONS; REPEALING SECTION 2-1-106 OF THE CITY CODE RELATING TO THE AUSTIN AREA COMPREHENSIVE HIV PLANNING COUNCIL, SECTION 2-1-109 OF THE CITY CODE RELATING TO THE AUSTIN-TRAVIS COUNTY EMS ADVISORY BOARD, SECTION 2-1-149 OF THE CITY CODE RELATING TO THE IMPACT FEE ADVISORY COMMITTEE, SECTION 2-1-170 RELATING TO THE SIGN CONTROL BOARD, AND SECTION 2-1-184 RELATING TO THE URBAN RENEWAL AGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Section 2-1-3 (*Boards Established*) of the City Code is amended to add Subsection (D) to read

- (D) To the extent not otherwise required by Texas Government Code, Chapter 551 or other state or federal law or rule, all temporary and permanent boards, commissions, and task forces not included in this chapter and that are established solely by council shall comply with Chapter 551 (Open Meetings Act)

PART 2. Section 2-1-6 (*Quorum and Action*) of the City Code is amended to add Subsection (C) to read:

- (C) All members necessary to provide a quorum must be physically present at a meeting to conduct business

PART 3. Subsection (J) of Section 2-1-21 (*Eligibility Requirements and Removal*) of the City Code is amended to read:

- (J) A board member who becomes ineligible to serve under this chapter or federal or state regulation may not continue to serve even though a successor has not been appointed A board member who was required to be a resident of the City when appointed and who moves his primary residence outside of the City limits becomes ineligible to serve on the date he moves his residence

PART 4. Section 2-1-21 (*Eligibility Requirements and Removal*) of the City Code is amended to add Subsection (L) to read

- (L) Unless otherwise provided by this Chapter, a City employee may not serve as a member of a City board if
- (1) the employee is classified at the executive level;
 - (2) the employee is required to file an annual financial statement;
 - (3) the employee works for the Law Department, the Financial Services Department, the Purchasing Department, or the Project Management Division of the Public Works Department,
 - (4) the employee is a purchasing agent or has the authority to purchase or contract for the City,
 - (5) the subject matter within the scope of the City department in which the City employee is employed makes it likely that the board will consider subject matter related to the City department; or
 - (6) the City department in which the City employee is employed provides staff support to the board

PART 5. Subsection (B) of Section 2-1-22 (*Membership and Term Limitation*) of the City Code is amended to read:

- (B) Except as provided by Subsection (C), a board member may serve not longer than nine consecutive years on the same board Service before July 31, 2008 [~~December 10, 2007~~] is excluded in determining the number of years served

PART 6. Subsection (A) of Section 2-1-26 (*Attendance Requirements and Automatic Vacation*) of the City Code is amended to read

- (A) Except as provided in Subsection (B), a board member automatically vacates the member's position if the member is absent for three consecutive regular meetings or one-third of all regular meetings in a 12-month period Absences before December 31, 2007 are excluded in determining a member's number of absences

PART 7. Subsections (B) and (D) of Section 2-1-42 (*Officers And Committees*) of the City Code are amended to read:

- (B) A person may not serve as the chair of a board for more than two consecutive years Service before July 31, 2008 is excluded in determining the number of years served

- (D) A meeting of a committee shall be posted under ~~{the Local}~~ Government Code Chapter 551 (*Open Meetings Act*)

PART 8. Subsection (B) of Section 2-1-43 (*Meeting Requirements*) of the City Code is amended to read

- (B) Each board shall comply with Government Code Chapter 551 (*Open Meetings Act*) All members necessary to provide a quorum must be physically present at a meeting to conduct business

PART 9. Section 2-1-44 (*Meeting Procedures*) of the City Code is amended to add Subsection (D) to read

- (D) Boards may adopt special rules of procedure as required

PART 10. Section 2-1-107 (*Austin Community Technology and Telecommunications Commission*) of the City Code is amended to add Subsection (H) to read

- (H) The Commission may create a Grant Review Committee consisting of up to seven members to review grant applications, conduct interviews, and evaluate applications for the purpose of providing recommendations to the Commission for grant awards under the City's Grant for Technology Opportunities program. The Commission may appoint persons to the Grant Review Committee who are not members of the Commission, but must appoint one member of the Commission to the Grant Review Committee who shall serve as ex-officio chair of the Grant Review Committee. All members of the Grant Review Committee are subject to Article 4 of Chapter 2-7 of the Code (*Code of Ethics*)

PART 11. Subsection (F) of Section 2-1-111 (*Board of Adjustment*) of the City Code is amended to read

- (F) The board shall
- (1) hear and decide a request for a variance from the requirements of Chapter 25-2 (*Zoning*), except as otherwise provided by the Code,
 - (2) hear and decide an appeal of an administrative action under Chapter 25-2 (*Zoning*) [~~Title 25 (*Land Development*), and~~],
 - (3) hear and decide a request for a variance from the requirements of airport zoning regulations under Section 241 034, Local Government Code, and

~~[(3) perform other duties prescribed by ordinance or state law]~~

(4) perform other duties prescribed by ordinance or state law.

PART 12. Subsection (A) of Section 2-1-121 (*Building and Fire Code Board of Appeals*) of the City code is amended to read

(A) The Building and Fire Code Board of Appeals members should be qualified by experience and training to consider matters relating to building construction and fire prevention. [;]Members may not be [who are not] City employees

PART 13. Subsection (B) of Section 2-1-181 (*Sign Review Board*) of the City Code is amended to read:

(B) The board shall:

(1) hear and decide a request for variance from the requirements of Chapter 25-10 (*Sign Regulations*);

(2) exercise the powers to revoke or suspend a sign registration under Section 25-10-236 (*Revocation and Suspension*); and

(3) advise the Council regarding Chapter 25-10 (*Sign Regulations*)

~~[(1) advise the council concerning Chapter 25-10 (*Sign Regulations*), and]~~

~~[(2) exercise the powers granted under Section 25-10-236 (*Revocation And Suspension*) and Section 25-10-41 (*Sign Review Board Powers*)]~~

PART 14. Subsection (D) of Section 2-1-185 (*Urban Transportation Commission*) of the City Code is amended to read:

(D) The commission shall review, study, and make recommendations to the Planning Commission on;

(1) transportation-related projects proposed for inclusion in the Capital Improvements Program, and

(2) plans and programs submitted by the Capital Area Metropolitan Planning Organization ~~[Austin Transportation Study Program]~~

PART 15. Subsection (A) of Section 2-1-186 (*Water and Wastewater Commission*) of the City Code is amended to read

- (A) The Water and Wastewater members should reside [~~have resided within the city for at least six months before their appointment, but a member may reside outside the city if the member's residence is~~] inside the utility's service area. Not more than two members should be involved in development or development-related activities.

PART 16. Section 2-1-106 (*Austin Area Comprehensive HIV Planning Council*) of the City Code is repealed.

PART 17. The Austin Area Comprehensive HIV Planning Council is continued in existence and is governed by United States Code Title 42, Sections 300ff-11 et seq. (*The Ryan White Care Act*), other applicable federal and state law, and the planning council bylaws. The planning council bylaws are required by the Ryan White Care Act, and the bylaws are not effective unless approved by the mayor.

PART 18. Section 2-1-110 (*Austin-Travis County EMS Advisory Board*) of the City Code is repealed.

PART 19. Section 2-1-149 (*Impact Fee Advisory Committee*) of the City Code is repealed.

PART 20. The Impact Fee Advisory Committee is continued in existence and is governed by the applicable provisions in Texas Local Government Code, Chapter 395.

PART 21. Section 2-1-170 (*Sign Control Board*) of the City Code is repealed.

PART 22. Section 2-1-184 (*Urban Renewal Agency*) of the City Code is repealed.

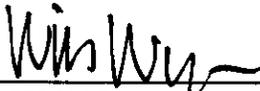
PART 23. The Urban Renewal Agency is continued in existence and is governed by applicable provisions in Texas Local Government Code, Chapter 374.

PART 24. This ordinance takes effect on June 29, 2008.

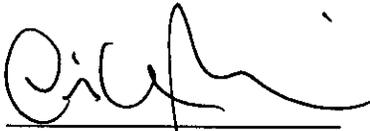
PASSED AND APPROVED

_____ June 18 _____, 2008

§
§
§



Will Wynn
Mayor

APPROVED: 

David Allan Smith
City Attorney

ATTEST: 

Shirley A. Gentry
City Clerk